



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's  
environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

Todd Parfitt, Director

June 3, 2015

Don and Lisa Norman  
PO Box 111  
Lander, WY 82520

CERTIFIED MAIL

RE: Notice of Violation  
Docket #5574-15

Dear Mr. and Mrs. Norman:

Enclosed is a copy of a Notice of Violation issued for unlawful burning of materials at 31 Hidden Valley Road, Lot 58 in the Red Canyon subdivision west of Lander, Wyoming in Fremont County.

As the Department and this Division consider the failure to comply with air quality permitting requirements to be a serious matter, I am considering recommending the Department refer these violations to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties. If you would like to discuss settlement of this Notice of Violation prior to referral to the Attorney General's office, please contact Ms. Ann Shed, Air Quality Compliance Program Principal, at 307-777-8601 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact me Ms. Ann Shed.

Sincerely,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Fred DiLella  
Ann Shed  
Landon Brown  
Elizabeth Lyon  
Greg Meeker



**BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

<b>IN THE MATTER OF THE NOTICE OF VIOLATION</b>	)	
<b>ISSUED TO DON AND LISA NORMAN</b>	)	<b>DOCKET NO. 5574-15</b>
<b>PO BOX 111</b>	)	
<b>31 HIDDEN VALLEY ROAD</b>	)	
<b>LANDER, WY 82520</b>	)	

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Don and Lisa Norman to be in violation of W.S. §35-11-201 of the Wyoming Environmental Quality Act and Chapter 10, Section 2 of the Wyoming Air Quality Standards and Regulations (WAQSR).

2. W.S. §35-11-201 states, “No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the Council.”

3. Chapter 10, Section 2(e) of the WAQSR states, “No person shall dispose of refuse by open burning, or cause, suffer, allow or permit open burning of refuse, except open burning of refuse associated with dwelling units, farmsteads, or ranch headquarters generated on those same premises, when all of the following requirements are met.

- (i) The nearest population is at least 500 feet away from the refuse burn.
- (ii) The refuse burn is conducted during the daytime hours.
- (iii) The person conducting the open burn shall attend and observe the refuse burn periodically to determine the dispersion, direction, and impacts of the smoke.”

4. Open burn incidents at the property located at 31 Hidden Valley Road, Lot 58 in the Red Canyon subdivision west of Lander, Wyoming (Fremont County) are summarized as follows:

(a) On January 4, 2013 the Wyoming Department of Environmental Quality, Air Quality Division received a complaint regarding open burning at the property. In response, the Air Quality District Engineer went to the site at 2:30 p.m. and did not observe any burning. A certified letter mailed to the Norman’s January 7, 2013 was received January 14, 2013. The letter quoted the WAQSR Chapter 10, Section 2(e) requirements listed above.

(b) On February 6, 2013 the Air Quality Division received a complaint at 11:00 a.m. regarding open burning at the property. The District Engineer arrived at the site at 11:20 a.m. and observed smoke emanating from a 55-gallon barrel. A certified Letter of Violation mailed to the Norman’s March 21, 2013 was received March 28, 2013. The letter re-iterated the WAQSR Chapter 10, Section 2(e) requirements from the January 4, 2013 letter, including the 500 foot setback.

(c) On February 13, 2015 the Air Quality Division received a complaint at about 1:50 p.m. regarding open burning at the property. The District Engineer arrived at the site at 2:15 p.m. and observed smoke emanating from the burn barrels. The District Engineer contacted Mr. Norman by phone the morning of February 17, 2015 and discussed the on-going issues with the open burning which continue to occur at less than the 500 foot required setback.

(d) On April 13, 2015 the Air Quality Division received a complaint regarding open burning at the property. The District Engineer arrived at the site at 2:35 p.m. and observed smoke emanating from one of the burn barrels. The District Engineer spoke with Mrs. Norman at the property and again discussed the on-going issues with the open burning which continue to occur at less than the 500 foot required setback. A second complaint was received that same day at about 5:10 p.m. indicating that another burn barrel had just been lit.

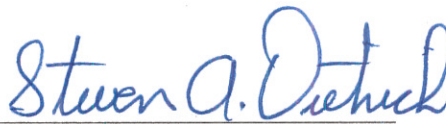
5. Said violations consists of unlawful open burning in violation of W.S. §35-11-201 of the Environmental Quality and Chapter 10, Section 2 of the WAQSR.



6. Under W.S. §35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

7. This notice is being sent to you pursuant to W.S. §35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this 3<sup>rd</sup> day of JUNE, 2015.



Steven A. Dietrich  
Administrator  
Air Quality Division



Todd Parfitt  
Director  
Department of Environmental Quality

Please direct all inquiries to Steven A. Dietrich, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)